

United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

2008 JUN 25 P 3:38

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
SANTA CLARA, S.J.Osvaldo MARIN-Martinez
(Name and Address of Defendant)

08-70387



CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, April 4, 2008, in Santa Clara County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following
facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

6/25/08
Date

at

San Jose, California
City and StateRichard Seeborg
United States Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

RE: MARIN-Martinez, Osvaldo A90 556 447

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. MARIN-Martinez is a 32-year-old male who has used thirteen (13) aliases and two (2) dates of birth in the past.
- (2) Mr. MARIN-Martinez has been assigned one (1) Alien Registration number of A90 556 447, FBI number of 171583WA8, California Criminal Information Index number of A10736148, and a California Department of Corrections number P48559.
- (3) Mr. MARIN-Martinez is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on five (5) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
March 5, 2001	Calexico, CA
December 30, 2003	San Ysidro, CA
April 12, 2005	San Ysidro, CA
December 22, 2006	Calexico, CA
October 18, 2007	San ysidro, CA

- (4) Mr. MARIN-Martinez last entered the United States at or near Nogales, AZ on or after October 18, 2007, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. MARIN-Martinez on a date unknown, but no later than April 4, 2008, in Santa Clara County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On April 10, 2008, Mr. MARIN-Martinez was interviewed by Immigration Enforcement Agent (IEA) Sean Ramsay at the Santa Clara County Jail, San Jose, CA, and during that interview, Mr. MARIN-Martinez was advised of his **Miranda** rights in Spanish and English. Mr. MARIN-Martinez waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportations, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

RE: MARIN-Martinez, Osvaldo A90 556 447

- (6) Mr. MARIN-Martinez was, on May 25, 1994, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of INFLICT CORPORAL INJURY TO SPOUSE, a felony, in violation of Section 273.5(a) of the California Penal Code, and was sentenced to three (3) years in prison.
- (7) Mr. MARIN-Martinez was, on May 26, 1999, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of FALSE ID TO PEACE OFFICER, a misdemeanor, in violation of Section 148.9 of the California Penal Code, and was sentenced to thirty (30) days in jail.
- (8) Mr. MARIN-Martinez was, on October 25, 2004, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of INFLICT CORPORAL INJURY TO SPOUSE, COHABITANT, FORMER SPOUSE, a felony, in violation of Section 273.5(a) of the California Penal Code, and was sentenced to two (2) years in prison.
- (9) Mr. MARIN-Martinez was, on April 7, 2008, convicted in the Superior Court of California, in and for the County of Santa Clara, for the offense of PETTY THEFT WITH PRIOR, a misdemeanor, in violation of Section 666 of the California Penal Code, and was sentenced to thirty (30) days in jail.
- (10) On the basis of the above information, there is probable cause to believe that Mr. MARIN-Martinez illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.



Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 25th day of June, 2008



RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE